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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,917	11/08/2001	Joseph D. La Scola	Internet P 2	1484

7590 07/31/2003

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EXAMINER
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LE, TAN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicant No.	Applicant(s)
	10/006,917	LA SCOLA ET AL.
Examiner	Art Unit	
Tan Le	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address--

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 May 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-16,18 and 19 is/are rejected.
- 7) Claim(s) 3, 10-11 and 17 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |                                                                                                |                                                                              |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

1. This is the third office action for serial number 10/006,917. This action is replying to an amendment filed 5/19/03. Claims 1-19 are pending. Claims 14-19 have been added.
2. Declarations submitted under Rule 37 CFR 1.131 and 37 CFR 1.132 on 5/19/03 have been received. However, the amendment submitted by Applicants necessitated the new ground of rejection presented in this Office action. The rejection based on US Patent No. 6,170,784 is no further applied.
3. Claims 1-19 will be treated as if Applicant is claiming an assembly per se, not an assembly in combination with an apparatus. It should be noted that If Applicant is intending to claim an assembly in combination with the apparatus, the preamble of the claims must be rewritten accordingly. If Applicant is intending to claim the subcombination of an assembly alone, any limitation that is associated with the apparatus will not be considered as a positive claimed limitation but rather will be considered as a recitation of an intended use or a purpose of the invention.
4. The rejection and objection are as follows:

### ***Claim Objections***

- 4.1 Claims 3, 17 and 18 are objected to because of the following informalities:
  - Claim 3 recites the limitation "said supports", this limitation lacks antecedent basis.
  - Claim 4 recites "said supports are adjustable to enable said trough opening to be at an adjustable angle..." and claim 17 recites the phrase "the adjustability of the

connection of the support assembly to said trough element permits connection of said trough element at an angle..." but does not recite which element or limitation to perform this function. Further, the angle as recited in claim 17 is not clear as being relative to what element in the claims.

Claim 18 recites the limitation "said angle". This limitation lacks antecedent basis. A "period" in claim 18 should be deleted.

#### ***Claim Rejections - 35 USC § 102***

4.2 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2-4, 12-16 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,960,350 to Tardoskegyi.

Tardoskegyi discloses an assembly comprising the following elements:

(a) a trough element (12) having a trough opening (10) along an elongated dimension and two ends perpendicular to the elongated dimension.  
(b) a support subassembly (18, 38, 48, 43) coupled to the trough element (through bolt 24, Fig. 4) and adapted to be fixedly attached to an apparatus (44) in a manner that allows the trough opening to be facing the apparatus at a sufficient distance wherein the distance between the trough opening and a face of the apparatus

can be adjustable to a different distance by adjusting the support subassembly (through adjusting bolt 52).

(c ) the trough element has a cross section that is generally U-shaped.

Claims 1-2, 4 and 12 are therefore, disclosed by Tardoskegyi.

Claims 13-16 and 18-19 are similar to those limitations recited in claims 1-2, 4 and 12, are therefore, also disclosed by Tardoskegyi.

Claims 1, 4-9, 12-16 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,934,623 to Kopish.

Kopish discloses an assembly comprising the following elements:

(a) a trough element (62) having a trough opening along an elongated dimension and two ends perpendicular to the elongated dimension.

(b) a support subassembly (16) coupled to the trough element and adapted to be fixedly attached to an apparatus (22, 24 generally) in a manner that allows the trough opening to be facing the apparatus at a distance from a nearest face of the apparatus that is greater than 0 inches, wherein the apparatus is a frame or a rack (22, 24) having a surface to which equipments such as electronic components (52) are typically located.

(c ) the trough element has a cross section that is generally U-shaped.

(d) at least one detent component (70, 72) that is a physically extension of the trough element.

(e) detent elements (66, generally) associated with the trough opening wherein the detent is flexible.

(f) the trough element is constructed to be pliable.

Claims 1, 4-9 and 12 are therefore, disclosed by Kopish.

Claims 13-16 and 18-19 are similar to those limitations recited in claims 1, 4-9 and 12, are therefore, also disclosed by Kopish.

#### ***Allowable Subject Matter***

5. Claims 3,10-11 and 17 are objected to, but would be allowable if rewritten to overcome the objections and to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244. The examiner can normally be reached on Mon-Fri 9:00-6:00 and alternating Mon..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Tan Le  
July 25, 2003

  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER